

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25723 of 2005

Between:

Syed Ibrahim Quallillulle Abdal Nawab

..... PETITIONER

AND

The Superintendent of Police,

Nellore, Nellore District and 12 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents

1 to 3 in not taking action against the respondents 4 to 13 in spite of the representation dated 03.11.2005 submitted by the petitioner, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner submits that he is a software consultant in IBM Global Services India Limited, Bangalore. On 25.05.2003 his marriage was solemnized with Syed Roohi, who is the daughter of the

4th respondent. It is stated that his wife is suffering from Schizophrenia and he has made a complaint before his father-in-law i.e. 4th respondent stating that the said fact was suppressed before the marriage. It is further stated that the petitioner came to his native village Kavali and when he was in his house, on 30.10.2005 the unofficial respondents came to his house and created a nuisance, committing a cognizable offence, and therefore, the petitioner has filed a report before the

1st respondent on 03.11.2005. I do not see any acknowledgment whether the said representation has been filed before the 1st respondent. But, however, the petitioner filed an affidavit of an Advocate, stating that the said representation has been filed before the 1st respondent. The concerned person is 3rd respondent to receive the complaint as the offence is said to have been occurred at Kavali. It is not known why no report has been made before the 3rd respondent. Further if any representation is filed before the higher authorities, it is always open for the superior officers to forward the same to the concerned to take necessary action.

I am not inclined to express any opinion as to whether any offence has been committed by the unofficial respondents and whether the petitioner has committed any offence against his wife and others. But, however, if any complaint is received by the 3rd respondent either from his superiors or from the petitioner, the 3rd

respondent may consider the same and if the contents of the said complaint made out prima facie cognizable offence, register a case and investigate into, in accordance with law, and intimate the fate of the complaint to the petitioner, within a period of 10 days, from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 02.12.2005

Dsr